

REMARKS/ARGUMENTS

On page 2 of the Official Action, claims 76-80 were rejected under 35 U.S.C. 102(e) as being anticipated by Domnitz U.S. Patent 6,912,398 B1. In reply, claims 76, 79, and 80 have been amended so that the applicant's evidence of invention prior to the filing date of Domnitz clearly shows the applicant invented the claimed subject matter prior to the filing date of Domnitz.

The amendment to the claims removes the limitation that a business is at the certain location for which the user of the wireless communication device has an interest in receiving an advertisement when the wireless communication device becomes in proximity to the certain location. Support for this amendment is found in the present application Ser. 10/020,094, for example, in FIG. 4 steps 62 and 64, as described in applicant's specification in the last paragraph on page 6 ("At step 62, the user sets particular profiles of interest in the selected category, such as notify the user by broadcasting to the communication device if a certain event happens. The event may be that the user is in the proximity of a store, restaurant, person, event, or other item selected by the user. At step 64, the user may set certain demographics, such as notify the user if the user is in the proximity of a store, such as within five miles, or within a certain zip code, or city, or some other geographical limitation."). See also the last sentence in the second paragraph on page 7 of applicant's specification.

Please recall that the applicant filed a Rule 131 Declaration on Feb. 28, 2005, submitting Exhibit 1 including some notebook pages showing a complete conception of certain subject matter prior to the April 10, 2000 filing date of Domnitz, and showing reasonable diligence from April 10, 2000 until the constructive reduction to practice of applicant's invention on Dec. 13,

2000 by the filing of applicant's provisional application Ser. 60/255, 331, for which the benefit is claimed in the present application Ser. 10/020,094. The applicant's provisional application Ser. 60/255,331 is posted on public PAIR.

The subject matter of applicant's claims 76-80 as amended is found in the applicant's notebook pages of Exhibit 1 to applicant's Rule 131 Declaration as set out in the following claim chart:

Amended Claims in Ser. 10/020,094	Support in the Notebook Pages Attached to the Rule 131 Declaration of Thomas E. Coverstone Filed Feb. 28, 2005
<p>76 A wireless communication system for use with a wireless communication device and a position location system providing position location data indicating positions of the wireless communication device as the wireless communication device moves, said wireless communication system comprising:</p> <p style="padding-left: 40px;">a memory containing a database of user selections,</p> <p style="padding-left: 40px;">a processor for receiving the position location data from the position location system and for processing the</p>	<p>Page 29</p> <p>The idea - cell phone / mobile commerce with GPS location position - with capability in a system to store position locations of the user/cell phone, with information used for marketing / purchases / targeted advertisements to the cell phone/ user.</p> <p>System may include operating system with software at a central system or server to store at least two points in a defined period of time to determine where the cell phone/ user is at and --[unrecognized word]-- direction of travel, utilizing GPS technology.</p> <p>[Figure shows:] processor (computer), System Software, database.</p> <p>Page 30</p> <p>System may include storage for storing transactions or purchases made by the user or the cell phone for further</p>

<p>position location data to determine when the position location data indicates that the wireless communication device becomes in proximity to a certain location and the database of user selections contains a selection of the user of the wireless communication device indicating that the user of the wireless communication device has an interest in receiving an advertisement when the wireless communication device becomes in proximity to the certain location, and</p> <p>a transmitter for transmitting the advertisement to the wireless communication device in response to the processing of the position location data determining that the wireless communication device has become in proximity to the certain location and the</p>	<p>analysis such as determining trends related to purchases made. Historical trends may help to determine what information may be of interest to the user in the future.</p> <p>Page 31</p> <p>Trends may be combined - purchase trends (data points) and location data points to determine further (combined) trends to identify and analyze purchasing habits and other trends by the cell phone user.</p> <p>The user of the cell phone may select choices or preferences --[unrecognized word]--, or to be analyzed with, any historical trends for targeted marketing to the user.</p> <p>The preferences may be stored in memory and associated with the particular user.</p> <p>[Figure shows:] Computer/processor, system software, database to store trends <u>and</u> preferences.</p> <p>Page 32</p> <p>System includes the cell phone system, with base station and the computer system with the data base, software, and processor for analyzing the preselected user information, the location trends and the purchasing trends.</p> <p>Page 33</p> <p><u>March 5, 2000</u></p>
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<p>database of user selections contains a selection of the user of the wireless communication device indicating that the user of the wireless communication device has an interest in receiving an advertisement when the wireless communication device becomes in proximity to the certain location.</p>	<p>Users actions / purchases as well as travels stored in memory. User's information stored, processed and analyzed. System then notifies the user through the cell system if X and in Y location. Location to be in close proximity to the user.</p> <p>User's actions/trends stored in memory ---- (repetitive) ---- User notified if X in location Y</p>
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<p>77. The wireless communication system as claimed in claim 76, wherein the position location system is the Global Positioning Satellite (GPS) system.</p>	<p>Page 29</p> <p>The idea - cell phone / mobile commerce with GPS location position - with capability in a system to store position locations of the user/cell phone, with information used for marketing / purchases / targeted advertisements to the cell phone/ user.</p> <p>System may include operating system with software at a central system or server to store at least two points in a defined period of time to determine where the cell phone/ user is at and --[unrecognized word]-- direction of travel, utilizing GPS technology</p>
<p>78. The wireless communication system as claimed in claim 76, wherein the wireless communication device is a cell phone.</p>	<p>Page 29</p> <p>The idea - cell phone / mobile commerce with GPS location position - with capability in a system to store position locations of the user/cell phone, with information used for marketing / purchases / targeted advertisements to the cell phone/ user.</p>
<p>79. The wireless communication system as claimed in claim 76, wherein the memory further contains a database of user purchases including a history of purchases</p>	<p>Page 30</p> <p>System may include storage for storing transactions or purchases made by the user or the cell phone for further analysis such as determining trends related to purchases made. Historical trends may help to determine what information may</p>

<p>made by the user of the wireless communication device, and wherein the processor is coupled to the memory for accessing the database of user purchases to determine whether or not the history of purchases made by the user of the wireless communication device indicates that transmission of the advertisement to the wireless communication device may be of interest to the user of the wireless communication device, and the processor is coupled to the transmitter for enabling the transmitter to transmit the advertisement to the wireless communication device only when the history of purchases made by the user of the wireless communication device indicates that transmission of the advertisement to the wireless communication device may be of interest to the user of the wireless communication device.</p>	<p>be of interest to the user in the future.</p> <p>Page 33</p> <p><u>March 5, 2000</u></p> <p>Users actions / purchases as well as travels stored in memory. User's information stored, processed and analyzed. System then notifies the user through the cell system if X and in Y location. Location to be in close proximity to the user.</p> <p>User's actions/trends stored in memory ---- (repetitive) ---- User notified if X in location Y</p>
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<p>80. The wireless communication system as claimed in claim 76, wherein the memory further contains a history of positions of the wireless communication device, and wherein the processor is coupled to the memory for accessing the history of positions of the wireless communication device to determine whether or not the history of positions of the wireless communication device indicates that transmission of the advertisement to the wireless communication device may be of interest to the user of the wireless communication device, and the processor is coupled to the transmitter for enabling the transmitter to transmit the advertisement to the wireless communication device only when the history of positions of the wireless communication device indicates that</p>	<p>Page 29</p> <p>The idea - cell phone / mobile commerce with GPS location position - with capability in a system to store position locations of the user/cell phone, with information used for marketing / purchases / targeted advertisements to the cell phone/ user.</p> <p>Page 31</p> <p>Trends may be combined - purchase trends (data points) and location data points to determine further (combined) trends to identify and analyze purchasing habits and other trends by the cell phone user.</p> <p>Page 33</p> <p><u>March 5, 2000</u></p> <p>Users actions / purchases as well as travels stored in memory. User's information stored, processed and analyzed. System then notifies the user through the cell system if X and in Y location. Location to be in close proximity to the user.</p> <p>User's actions/trends stored in memory ---- (repetitive) ---- User notified if X in location Y</p>
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transmission of the advertisement to the wireless communication device may be of interest to the user of the wireless communication device.	
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The subject matter of applicant's claims 78-80 as amended is also found in the applicant's provisional application Ser. 60/255, 331 as set out in the following claim chart:

Amended Claims in Ser. 10/020,094	Support in the Coverstone Provisional Patent Application Ser. 60/255,331 filed Dec. 13, 2000
76 A wireless communication system for use with a wireless communication device and a position location system providing position location data indicating positions of the wireless communication device as the wireless communication device moves, said wireless communication system comprising:	<p>FIG. 1 illustrates an exemplary GPS system with a wireless device, such as a cellular telephone handset or PDA device 10 in communication with a GPS system 12, wherein the system 12 typically includes a plurality of satellites 14, 16 and 18. The satellites communicate with the handset 10 and with each other to determine the location of the device 10 and the user. (Provisional specification, page 2, lines 16 to 20.)</p> <p>The usage of handset is subsequently tracked in step 36, usage meaning locations of the handset, purchases made with the handset, and communications made with the handset, as well as other</p>

<p>a memory containing a database of user selections,</p> <p>a processor for receiving the position location data from the position location system and for processing the position location data to determine when the position location data indicates that the wireless communication device becomes in proximity to a certain location and the database of user selections contains a selection of the user of the wireless communication device indicating that the user of the wireless communication device has an interest in receiving an advertisement when the wireless communication device becomes in proximity to the certain location, and</p> <p>a transmitter for transmitting the</p>	<p>methods to track usage. (Provisional specification, page 5, lines 9 to 11.)</p> <p>As shown in FIG. 2, the computer system 20 includes a receiver/transceiver 28 to communicate with the GPS system 12. The computer system 20 further includes a processor 22 with appropriate software for an operating system, such as MICROSOFT WINDOWS NT or WINDOWS 98. The processor 22 is in communication with RAM 24 and a database 26. The database 26 includes historical data of users as well as handsets since a family may share a handset. (Provisional specification, page 2, lines 27-33.)</p> <p>After the user logs on to the system, the user will be able to determine what communications he or she will receive. For example, the user may select to receive advertisements from certain stores and/restaurants, or select from other categories of interest such as concerts, grocery stores, department stores, specialty stores, libraries, parks, etcetera, so that when the handset is within a certain distance or range from the area of interest, an advertisement or message from the area of interest will be broadcast on the handset, either by voice, ring, or message on the handset screen. (Provisional specification, page 3, lines 9 to 16.)</p> <p>Typical wireless networks allow for two way telecommunications between multiple users utilizing handsets communicating</p>
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<p>advertisement to the wireless communication device in response to the processing of the position location data determining that the wireless communication device has become in proximity to the certain location and the database of user selections contains a selection of the user of the wireless communication device indicating that the user of the wireless communication device has an interest in receiving an advertisement when the wireless communication device becomes in proximity to the certain location.</p>	<p>with at least one base station. (Provisional specification, page 2, lines 8 to 9.)</p> <p>FIG. 3 illustrate a flow chart according to the present invention. ... In step 35 broadcasts are sent to the handset based on selections made or based on a set of defaults or based on usage at step 34, if any. (Provisional specification, page 5, lines 4 to 9.)</p>
<p>77. The wireless communication system as claimed in claim 76, wherein the position location system is the Global Positioning Satellite (GPS) system.</p>	<p>FIG. 1 illustrates an exemplary GPS system with a wireless device, such as a cellular telephone handset or PDA device 10 in communication with a GPS system 12, wherein the system 12 typically includes typically includes a plurality of satellites 14, 16 and 18. The satellites communicate with the handset 10 and with each other to determine the location of the device 10 and the user. (Provisional specification, page 2, lines 16 to 20.)</p>

<p>78. The wireless communication system as claimed in claim 76, wherein the wireless communication device is a cell phone.</p>	<p>FIG. 1 illustrates an exemplary GPS system with a wireless device, such as a cellular telephone handset or PDA device 10 in communication with a GPS system 12, wherein the system 12 typically includes a plurality of satellites 14, 16 and 18. The satellites communicate with the handset 10 and with each other to determine the location of the device 10 and the user. (Provisional specification, page 2, lines 16 to 20.)</p>
<p>79. The wireless communication system as claimed in claim 76, wherein the memory further contains a database of user purchases including a history of purchases made by the user of the wireless communication device, and wherein the processor is coupled to the memory for accessing the database of user purchases to determine whether or not the history of purchases made by the user of the wireless communication device indicates that transmission of the advertisement to the wireless communication device may be of</p>	<p>After the user preselects the areas of interest, the user then establishes a pattern of usage by receiving messages, responding to the messages by either ignoring them or acting upon them, and such usage, responses and lack thereof are recorded by the computer system 20 in the database for each particular user. (Provisional specification, page 3, lines 30 to 33.)</p> <p>Also, purchases made with a handset or via a handset may be tracked. (Provisional specification, page 4, lines 5 to 6.)</p> <p>It will also be appreciated that the customized broadcasts may be either proportional or reversely proportional based on the user's history. For example, an establishment may reward frequent usage by providing more frequent or greater discounts for frequent purchasers. (Provisional specification, page 4, lines 30-33.)</p>

<p>interest to the user of the wireless communication device, and the processor is coupled to the transmitter for enabling the transmitter to transmit the advertisement to the wireless communication device only when the history of purchases made by the user of the wireless communication device indicates that transmission of the advertisement to the wireless communication device may be of interest to the user of the wireless communication device.</p>	<p>FIG. 3 illustrate a flow chart according to the present invention, ... In step 35 broadcasts are sent to the handset based on selections made or based on a set of defaults or based on usage at step 34, if any. The usage of handset is subsequently tracked in step 36, usage meaning locations of the handset, purchases made with the handset, and communications made with the handset, as well as other methods to track usage. The database is updated in step 38 based on the usage of the handset. (Provisional specification, page 5, lines 4 to 12.)</p>
<p>80. The wireless communication system as claimed in claim 76, wherein the memory further contains a history of positions of the wireless communication device, and wherein the processor is coupled to the memory for accessing the history of positions of the wireless communication device to determine</p>	<p>After the user preselects the areas of interest, the user then establishes a pattern of usage by receiving messages, responding to the messages by either ignoring them or acting upon them, and such usage, responses and lack thereof are recorded by the computer system 20 in the database for each particular user. The device 10 uploads data to the computer system 20 by a variety of methods, for example, the GPS system monitors the whereabouts of the user and determines if the user has responded to an advertisement by going to one of the places that was preselected and an advertisement was sent. (Provisional specification, page 3, lines 30 to 37.)</p>

<p>whether or not the history of positions of the wireless communication device indicates that transmission of the advertisement to the wireless communication device may be of interest to the user of the wireless communication device, and the processor is coupled to the transmitter for enabling the transmitter to transmit the advertisement to the wireless communication device only when the history of positions of the wireless communication device indicates that transmission of the advertisement to the wireless communication device may be of interest to the user of the wireless communication device.</p>	<p>FIG. 3 illustrate a flow chart according to the present invention. ... In step 35 broadcasts are sent to the handset based on selections made or based on a set of defaults or based on usage at step 34, if any. The usage of handset is subsequently tracked in step 36, usage meaning locations of the handset, purchases made with the handset, and communications made with the handset, as well as other methods to track usage. The database is updated in step 38 based on the usage of the handset. (Provisional specification, page 5, lines 4 to 12.)</p>
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In view of the above showing of prior invention, applicant respectfully requests that Domnitz be withdrawn as a reference against applicant's claims 76-80.

Ser. No. 10/020,094
Amendment in Reply to OA of 3/9/2009

In view of the above, it is respectfully submitted that the application is in condition for allowance. Reconsideration and early allowance are earnestly solicited.

Respectfully submitted,

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